

2019 Current Fiscal Year Report: Navigation Safety Advisory Council

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1. Department or Agency

Department of Homeland Security

2. Fiscal Year

2019

3. Committee or Subcommittee

Navigation Safety Advisory Council

3b. GSA Committee No.

695

4. Is this New During Fiscal Year?

No

5. Current Charter

07/07/2017

6. Expected Renewal Date

07/07/2019

7. Expected Term Date

8a. Was Terminated During Fiscal Year?

No

8b. Specific Termination Authority

8c. Actual Term Date

9. Agency Recommendation for Next Fiscal Year

Continue

10a. Legislation Req to Terminate?

No

10b. Legislation Pending?

Not Applicable

11. Establishment Authority Statutory (Congress Created)

12. Specific Establishment Authority

33 U.S.C. 2073

13. Effective Date

10/01/1981

14. Committee Type

Continuing

14c. Presidential?

No

15. Description of Committee National Policy Issue Advisory Board

16a. Total Number of Reports

No Reports for this Fiscal Year

17a. Open Meetings and Dates 0 17b. Closed Meetings and Dates 0 17c. Partially Closed Meetings and Dates 0 17d. Total Meetings and Dates 0

No Meetings

Current FY Next FY

18a(1). Personnel Pmts to Non-Federal Members

\$0.00 \$0.00

18a(2). Personnel Pmts to Federal Members

\$0.00 \$0.00

18a(3). Personnel Pmts to Federal Staff

\$0.00 \$0.00

18a(4). Personnel Pmts to Non-Member Consultants

\$0.00 \$0.00

18b(1). Travel and Per Diem to Non-Federal Members

\$0.00 \$0.00

18b(2). Travel and Per Diem to Federal Members

\$0.00 \$0.00

18b(3). Travel and Per Diem to Federal Staff

\$0.00 \$0.00

18b(4). Travel and Per Diem to Non-member Consultants

\$0.00 \$0.00

18c. Other(rents,user charges, graphics, printing, mail, etc.)

\$0.00 \$0.00

18d. Total

\$0.00 \$0.00

19. Federal Staff Support Years (FTE)

0.00 0.00

20a. How does the Committee accomplish its purpose?

Navigation Safety Advisory Council (NAVSAC) provides advice and recommendations to the Secretary of the Department of Homeland Security (DHS), through the Commandant, U.S. Coast Guard, on matters relating to maritime collisions, rammings, and groundings, Inland and International Rules of the Road, navigation regulations and equipment, routing measures, marine information, diving safety, and aids to navigation systems.

20b. How does the Committee balance its membership?

NAVSAC is composed of not more than 21 members who are appointed by and serve at the pleasure of the Secretary of DHS. Each member shall have particular expertise, knowledge and experience in the Inland and International Rules of the Road, Aids to Navigation, Navigational Safety Equipment, Vessel Traffic Service, Traffic Separation Schemes and Vessel Routing. To assure balanced representation, members shall be appointed to represent the viewpoints and interests of one of the following groups or organizations, and at least one member shall be appointed to represent each membership category: (a) Commercial vessel owners or operators; (b) Professional mariners; (c) Recreational boaters; (d) the recreational boating industry; (e) State agencies responsible for vessel or port safety; and (f) The Maritime Law Association. Additional persons may be appointed to panels of the Council to assist the Council in the performance of its functions.

20c. How frequent and relevant are the Committee Meetings?

NAVSAC normally meets twice a year; once in the spring and once in the fall. NAVSAC's recommendations on important issues often form the basis for regulatory changes. The US Coast Guard's review of safety issues requires continued access to NAVSAC's expertise and advice. NAVSAC has proven to be an effective forum for developing consensus on contentious issues.

20d. Why can't the advice or information this committee provides be obtained elsewhere?

NAVSAC's broad representation provides the US Coast Guard a forum that is otherwise unavailable to evaluate the impact of proposed US Coast Guard actions, to identify navigation safety issues needing US Coast Guard attention, and to generate informed solutions to navigation safety issues. Because of the expertise of Council members and its reputation in the maritime community, NAVSAC has become a forum where members of the public bring contentious issues for advice.

20e. Why is it necessary to close and/or partially closed committee meetings?

N/A

21. Remarks

The Coast Guard Authorization Act of 2010 (P.L. 111-281) renewed the Council's statutory authority through September 30, 2020.

Designated Federal Officer

Mary Ellen Durley Chief, Office of Navigation Systems

Committee Members	Start	End	Occupation	Member Designation
Bushy, Thomas	05/01/2014	10/06/2020	Administrator, Massachusetts Maritime Academy	Representative Member
Carney, David	05/01/2014	10/06/2020	Vessel Master	Representative Member
Cowan, Jeffrey	05/01/2014	10/06/2020	Oil Spill Prevention Specialist	Representative Member
Dayton, Timothy	10/06/2017	10/06/2020	Professional mariner	Representative Member
Dogan, Thomas	10/06/2017	10/06/2020	Lawyer	Representative Member
Gifford, Charles	04/29/2013	11/04/2018	Port Captain	Representative Member
Grubbs, Douglas	02/24/2016	11/04/2018	Congressional Liaison, Crescent River Port Pilots Association	Representative Member
Hanchrow, Gregory	01/27/2012	11/04/2018	Senior Port Captain, NYC DOT	Representative Member
Hopkins, Stephen	02/24/2016	11/04/2018	Vessel Master, Washington State Department of Transportation	Representative Member
Kline, Sean	02/24/2016	11/04/2018	Director, Maritime Affairs, Chamber of Shipping of America	Representative Member
Kurtz, Carolyn	01/27/2012	11/04/2018	Harbor Pilot, Tampa Bay Pilots' Association	Representative Member
Menke, Greg	04/29/2013	11/04/2018	Master Mariner	Representative Member
Reese, Robert	05/01/2014	10/06/2020	Vessel Master	Representative Member

Number of Committee Members Listed: 13

Narrative Description

The Council provides advice and recommendations on the prevention of groundings, rammings and collisions. One of the USCG missions is marine safety and environmental protection. The Council was divided into three working groups to address task statements # 16-01 Navigation Safety Consequences of Ships using Ultra Low Sulfur Fuel Oil (ULSFO); # 16-02 Near-miss Reporting Criteria and process for reporting, cataloging, and reviewing; and # 17-01 Input to Support Regulatory Reform of Coast Guard Regulations. For # 16-01 the Council noted that on 1 January 2015 the sulfur content for fuel oil within the North American Emission Control Area (NAECA) dropped from 1.0% to 0.10%, and subsequent reports were that ships experienced the Loss of Propulsion (LOP) or

Reduction in Propulsion (RIP) due to the ULSFO. The Council discussed official reports which included not only the report of LOP, but also the ship's performance characteristics that are different from using ULSFO than while using Heavy Fuel Oil (HFO), which may cause RIP, which then affects the marine pilot's expectations of maneuverability in restricted waters. The Council also noted that it has been reported by marine pilots that the frequency of ships LOP, RIP and engine speed issues are declining significantly. The Council provided Resolution 16-04 (Navigation Safety Consequences of Ships using Ultra Low Sulfur Fuel Oil (ULSFO)) which recommended that the USCG continue to research ship casualties reported as Loss of Propulsion on Report of Marine Accident, Injury or Death (CG 2692) as well as Marine Information for Safety and Law Enforcement (MISLE) to confirm the downward trend in reported LOP and RIP by ships which was caused by ULSFO; and revise and re-issue on an annual basis a Marine Safety Alert/Advisory for operations in the NAECA by ship's using ULSFO and the importance of conducting a proper Master/Pilot Exchange, specifically to advise the boarding pilot of known engine limitations while utilizing ULSFO. The USCG sought from NAVSAC input to help identify parameters and develop data structures to collect data on near-misses and examine those incidents to support safety management regimes through Task # 16-02. After firming up a definition and identifying examples of near misses, as well as recognizing that risk exists within the maritime industry of navigation near misses and that navigation near-miss reporting will capture events that may lead to the implementation of an emergency procedure, plan or response and thus prevent a loss i.e. a collision, allision or grounding, the Council provided Resolution 16-05 (Near-miss Reporting Criteria and process for reporting, cataloging, and reviewing) which recommended that reporting should center on commercial/professional operations; reporting should be able to be done in a voluntary, confidential, anonymous and non-punitive manner; multiple avenues are available for submission of near-miss reports to USCG or a designated third-party; near miss reports, trends and safety alerts should be distributed via USCG Maritime Commons Blog, subscriber to email newsletter and an online database; and models of successful near-miss reporting schemes were identified such as are Aviation Safety Reporting System (ASRS); Nautical Institute MARS (Mariners' Accident Reporting Scheme) and CHIRP (Aviation and Maritime Confidential Incident Reporting. Task statement # 17-01, entitled "Input to Support Regulatory Reform of Coast Guard Regulations – Executive Orders (E.O.) 13771 and 13783" recognized that the Coast Guard is required to review all existing regulations, orders, guidance documents, policies, and any other similar agency actions that potentially burden the development or use of domestically produced energy resources, with particular attention to oil, natural gas, coal, and nuclear energy resources. The Coast Guard asked the Council to assist in the review of its regulations and identify any regulations that could/should be repealed in part or whole or revised. The Council opined in Resolution 17-01 that there are no regulations within its purview the elimination

of which would be beneficial to the goals of E.O. 13783, Promoting Energy Independence and Economic Growth, nor does the Council believe there are regulations within its purview that are so unnecessary, superfluous, or out of date such that they could be eliminated to make way for new regulations per E.O. 13771, Reducing Regulation and Controlling Regulatory Costs. The Council recommended that the Coast Guard review its regulations which contain items of specifically local interest and of limited duration and occurrence, and suggests that the Administrative Procedures Act or the various enabling/authorizing statutes may not actually require that those regulations to have been in regulation form at all. Other means of establishing these rules may exist such as COTP orders, Coast Guard Advisory Notices, Marine Safety Information Bulletins, and Local Notice to Mariners. Subchapter G on Regattas and Marine Parades consists mainly of regulations of this type. The Council also expressed that concerning the Inland Navigation Rules there are no sections that could be eliminated or modified such as to further the goals of the E.O.'s. However, there are sections of the Inland Rules that could be improved and brought into better alignment with current industry and navigational practices. The Council recommended a comprehensive review of the Inland Navigation Rules should be the subject of an independent task assigned either or jointly to NAVSAC or the Towing Safety Advisory Council (TSAC).

What are the most significant program outcomes associated with this committee?

Checked if Applies

Improvements to health or safety	<input checked="" type="checkbox"/>
Trust in government	<input checked="" type="checkbox"/>
Major policy changes	<input checked="" type="checkbox"/>
Advance in scientific research	<input type="checkbox"/>
Effective grant making	<input type="checkbox"/>
Improved service delivery	<input checked="" type="checkbox"/>
Increased customer satisfaction	<input checked="" type="checkbox"/>
Implementation of laws or regulatory requirements	<input checked="" type="checkbox"/>
Other	<input type="checkbox"/>

Outcome Comments

The Council advises the US Coast Guard of safety of navigation issues that may be used to formulate regulatory proposals. It also serves as to inform their constituent interest groups of agency actions and recommendations.

What are the cost savings associated with this committee?

Checked if Applies

None	<input type="checkbox"/>
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Unable to Determine	<input checked="" type="checkbox"/>
Under \$100,000	<input type="checkbox"/>
\$100,000 - \$500,000	<input type="checkbox"/>
\$500,001 - \$1,000,000	<input type="checkbox"/>
\$1,000,001 - \$5,000,000	<input type="checkbox"/>
\$5,000,001 - \$10,000,000	<input type="checkbox"/>
Over \$10,000,000	<input type="checkbox"/>
Cost Savings Other	<input type="checkbox"/>

Cost Savings Comments

NA

What is the approximate Number of recommendations produced by this committee for the life of the committee?

276

Number of Recommendations Comments

The Council was divided into three working groups to address task statements.

What is the approximate Percentage of these recommendations that have been or will be Fully implemented by the agency?

100%

% of Recommendations Fully Implemented Comments

The Council provided 3 resolutions containing recommendations.

What is the approximate Percentage of these recommendations that have been or will be Partially implemented by the agency?

0%

% of Recommendations Partially Implemented Comments

Does the agency provide the committee with feedback regarding actions taken to implement recommendations or advice offered?

Yes ☒ No ☐ Not Applicable ☐

Agency Feedback Comments

The US Coast Guard provides feedback on the status to all NAVSAC recommendations at

subsequent meetings.

What other actions has the agency taken as a result of the committee's advice or recommendation?

Checked if Applies

Reorganized Priorities	<input checked="" type="checkbox"/>
Reallocated resources	<input type="checkbox"/>
Issued new regulation	<input checked="" type="checkbox"/>
Proposed legislation	<input checked="" type="checkbox"/>
Approved grants or other payments	<input type="checkbox"/>
Other	<input type="checkbox"/>

Action Comments

NA

Is the Committee engaged in the review of applications for grants?

No

Grant Review Comments

N/A

How is access provided to the information for the Committee's documentation?

Checked if Applies

Contact DFO	<input checked="" type="checkbox"/>
Online Agency Web Site	<input checked="" type="checkbox"/>
Online Committee Web Site	<input type="checkbox"/>
Online GSA FACA Web Site	<input checked="" type="checkbox"/>
Publications	<input type="checkbox"/>
Other	<input type="checkbox"/>

Access Comments

N/A